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FACSIMILE COVER SHEET

FILE

FAXED
4/3/07

DATE: April 3, 2007
FROM: Sheldon Karasik
TO: Thomas J. Spellman, Esq.
FAX NO.: 631 724 8010
RE: *Kevin McKenna v. The Incorporate Village Of Northport, et.al.*
OUR FILE NO: 0283

NO. OF PAGES INCLUDING COVER SHEET: **3**

MESSAGE:

Please see attached.

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April 3, 2007

VIA TELECOPIER ONLY: 631 724 8010

Thomas J. Spellman, Esq.
Devitt Spellman Barrett, LLP
Hillside Village Plaza
50 Route 111
Smithtown, NY 11787

RE: *Kevin McKenna v. The Incorporate Village Of Northport,
The Northport Village Police Department,
Christopher J. Hughes and Alan M. Bakker,
United States District Court
Eastern District of New York
Case No.: CV 06 2895
Our File No.: 00215-0283*

Dear Mr. Spellman:

I write regarding Defendants' Response to Plaintiff's First Set of Document Requests and Defendants' Initial Disclosures.

First, we do not believe that your objections to document request numbers 16 through 21 are well founded. These six requests seek information regarding, *inter alia*, complaints by third parties and disciplinary action taken by the Northport Village Police Department as to the three police officers involved in the incident at issue. That being the case, I fail to see how such information is not "reasonably calculated to lead to the discovery of admissible evidence." Further, as I mentioned in my March 14th correspondence, we seek the documents themselves rather than an affidavit from counsel regarding what the files contain. The confidentiality concerns you raise can be addressed by redacting material that you believe is protected from disclosure pursuant to state law. Please let me know by April 6th if Defendants are willing to produce the materials sought in request numbers 16 through 21 on this basis.

Second, in Defendants' Initial Disclosures, you state that the computer disc containing telephone calls was provided to Mr. McKenna on December 21, 2005 [sic]. That disc is being held by the court and Mr. McKenna does not have access thereto. Accordingly, kindly provide

Thomas J. Spellman, Esq.
April 3, 2007
Page 2

us with another copy of that computer disc. Furthermore, it is my understanding that Defendants possess additional computer discs of other calls made by Karen McKenna to the Northport Police Department. We therefore request that Defendants produce any and all computer discs in their possession regarding calls to and from the Northport Police Department in connection with the incident.

Third, it is our understanding that, although not identified in your Initial Disclosures, Defendants also possess copies of car to car radio transmissions between the officers involved in the incident. We therefore request that a copy of those transmissions be produced.

Please provide us with copies of the computer discs and radio transmissions described above in ten days time. If you object to doing so, please let me know before then.

Very truly yours,



Sheldon Karasik

SK/rm

***** -COMM. JOURNAL- ***** DATE APR-03-2007 ***** TIME 14:51 *****

MODE = MEMORY TRANSMISSION

START=APR-03 14:49

END=APR-03 14:51

FILE NO.=611

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-KARASIK & ASSOCIATES,LLC -

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